

BOISEY LEVERN NEAL,

Appellant,

v.

STATE OF MARYLAND,

Appellee.

IN THE

COURT OF SPECIAL APPEALS

OF MARYLAND

September Term 2020

No. 590

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**MOTION FOR EXTENSION OF TIME OR,  
ALTERNATIVELY, MOTION TO ACCEPT LATE FILED  
BRIEF OF APPELLEE AS TIMELY FILED.**

The State of Maryland, Appellee, by its attorneys, Brian E. Frosh, Attorney General of Maryland, and Cathleen C. Brockmeyer, Assistant Attorney General, moves, pursuant to Maryland Rules 1-204, 8-431(a), and 8-502(b), for an extension of time in which to file its brief and asks the Court to accept Appellee's late-filed Brief of Appellee. In support, appellee respectfully represents as follows:

1. Appellant filed his Appellant's Brief in this Court on November 30, 2020.
2. Appellant did not serve the Office of the Attorney General with a copy of his Appellant's Brief.

3. On or about January 15, 2021, undersigned counsel learned that Appellant's Brief had been filed and that the Court had included the appeal (and several others where the Office of the Attorney General was not served with a copy of Appellant's Brief) to be considered in its March 2021 session.<sup>1</sup>

4. Because Appellee's Brief will assist the Court in the consideration of the appeal, undersigned counsel respectfully requests that the Court extend time for filing Appellee's Brief to and including February 3, 2021 or, in the alternative, to accept the late filed Brief of Appellee as timely filed.

5. Normally, Appellee would have contacted Appellant to determine if Appellant opposed this motion, because Appellant is

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<sup>1</sup> In total, five appeals where the Office of the Attorney General was not served with an Appellant's Brief were set in for consideration during the Court's March 2021 session: *Ronald N. Haskins v. State of Maryland*, CSA-REG-0577-2020; *Richard Kidwell v. State of Maryland*, CSA-REG-0443-202, *Barry Lofton v. State of Maryland*, CSA-REG-0606-2020, *Boisey Levern Neal v. State of Maryland*, CSA-REG-0590-2020; *Shawn Anthony Johnson*, CSA-REG-0333-2020. Today, February 3, 2021, the State is filing a Brief of Appellee and a similar motion for an extension of time to file the brief or, alternatively, to accept the late-filed brief.

proceeding pro se and is incarcerated, however, the State is unable to ascertain his position on this motion

6. The State's request is not intended to delay the Court's consideration of this appeal.

### CONCLUSION

The State accordingly asks that the Court extend the time for filing the Brief of Appellee to and including February 3, 2021 or, in the alternative to accept Appellee's late-filed Brief of Appellee as timely filed.

Dated: February 3, 2021

Respectfully submitted,

BRIAN E. FROSH  
Attorney General of Maryland

/s/ Cathleen C. Brockmeyer  
CATHLEEN C. BROCKMEYER  
Assistant Attorney General  
CPF No. 8501010064

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Counsel for Appellee

CERTIFICATION OF WORD COUNT AND  
COMPLIANCE WITH THE MARYLAND RULES

This filing was printed in 13-point Century Schoolbook font;  
complies with the font, line spacing, and margin requirements of  
Maryland Rule 8-112; and contains 390 words.

/s/ Cathleen C. Brockmeyer  
CATHLEEN C. BROCKMEYER  
Assistant Attorney General  
CPF No. 8501010064

Counsel for Appellee

## CERTIFICATE OF SERVICE

In accordance with Maryland Rule 20-201(g), I certify that on this day, February 3, 2021, I electronically filed the foregoing In accordance with Maryland Rule 20-201(g), I certify that on this day, February 3, 2021, I electronically filed the foregoing Motion for Extension of Time or, Alternatively, Motion to Accept Late Filed Brief of Appellee as Timely Filed using the MDEC System, which sent electronic notification of filing to all persons entitled to service, and mailed a copy first-class, postage prepaid to Boisey Levern Neal #349-871, Dorsey Run Correctional Facility, 2020 Toulson Road, Jessup, MD 20794

*/s/ Cathleen C. Brockmeyer*

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CATHLEEN C. BROCKMEYER

Assistant Attorney General

CPF No. 8501010064

Counsel for Appellee